

(PJWx),CLOSED,DISCOVERY,MANADR

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:13-cv-05629-JFW-PJW**

Arturo Gonzalez v. City of Pico Rivera et al
Assigned to: Judge John F. Walter
Referred to: Magistrate Judge Patrick J. Walsh
Case in other court: Superior Court of CA, Los Angeles County,
VC063301

Date Filed: 08/05/2013
Date Terminated: 02/27/2014
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 28:1441 Notice of Removal – Civil Rights Act

Plaintiff

Arturo Gonzalez

represented by **Jill Lee Ryther**
Jill Ryther Law Offices
6911 Topanga Canyon Boulevard Suite
300
Canoga Park, CA 91303
818-347-4126
Fax: 818-347-4128
Email: jill@jillrytherlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

City of Pico Rivera
a public entity

represented by **Eugene P Ramirez**
Manning and Kass Ellrod Ramirez Trester
LLP
801 South Figueroa Street 15th Floor
Los Angeles, CA 90017
213-624-6900
Fax: 213-624-6999
Email: epr@manningllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy J Kral
Manning and Kass Ellrod Ramirez Trester
LLP
801 South Figueroa Street 15th Floor
Los Angeles, CA 90017
213-624-6900
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Email: tjk@manningllp.com
LEAD ATTORNEY
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Defendant

County of Los Angeles
a public entity

represented by **Eugene P Ramirez**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

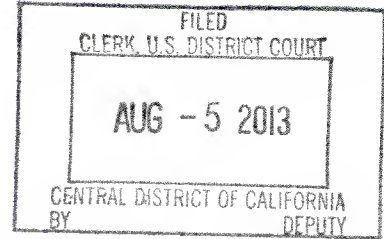
Timothy J Kral
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Does***1-50, Inclusive*

Date Filed	#	Docket Text
08/05/2013	<u>1</u>	NOTICE OF REMOVAL from the Superior Court of CA, Los Angeles County, case number VC063301 with conformed copies of summons and complaint. Case assigned to Judge John F. Walter, discovery to Magistrate Judge Patrick J. Walsh; (Filing fee \$ 400 PAID); filed by defendants County of Los Angeles, City of Pico Rivera.(esa) (Additional attachment(s) added on 8/7/2013: # <u>1</u> Notice of Assignment, # <u>2</u> Civil Cover Sheet) (mg). (Entered: 08/06/2013)
08/05/2013		CONFORMED COPY OF ANSWER to Complaint <u>1</u> Demand for Jury Trial, filed by defendants City of Pico Rivera, County of Los Angeles.(esa) (Entered: 08/06/2013)
08/05/2013	<u>2</u>	NOTICE OF INTERESTED PARTIES filed by defendants City of Pico Rivera, County of Los Angeles. (esa) (mg). (Entered: 08/06/2013)
08/05/2013	<u>3</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed.(esa) (Entered: 08/06/2013)
08/06/2013	<u>4</u>	STANDING ORDER by Judge John F. Walter. READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES. (cb) (Entered: 08/06/2013)
08/06/2013	<u>5</u>	COURT ORDER (IN CHAMBERS) by Judge John F. Walter. Counsel are hereby notified that a Scheduling Conference has been set for September 30, 2013, at 8:30 a.m. before Judge John F. Walter. Counsel are directed to comply with Rule 26 of the Federal Rules of Civil Procedure and Local Rule 26-1 in a timely fashion and to file a Joint Report, on or before September 16, 2013. Plaintiffs counsel is directed to give notice of the Scheduling Conference to all parties that have appeared in this action, and is directed to give notice of the Scheduling Conference immediately to each party that makes an initial appearance in the action after this date. (cb) (Entered: 08/06/2013)
08/12/2013	<u>6</u>	CERTIFICATE OF SERVICE filed by Defendants City of Pico Rivera, County of Los Angeles, <i>of Notice to Adverse Party of Removal to Federal Court</i> served on August 7, 2013. (Ramirez, Eugene) (Entered: 08/12/2013)
09/16/2013	<u>7</u>	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 6 days, filed by Defendants City of Pico Rivera, County of Los Angeles.. (Ramirez, Eugene) (Entered: 09/16/2013)
09/17/2013	8	ORDER VACATING SCHEDULING CONFERENCE:The Court has reviewed the parties' Joint Rule 26(f) Report and finds that a Scheduling Conference is not necessary. The hearing on September 30, 2013 is vacated and taken off calendar. A Scheduling and Case Management Order will issue. Any unserved DOE defendants are dismissed at this time. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sr) TEXT ONLY ENTRY (Entered: 09/17/2013)
09/17/2013	9	ORDER/REFERRAL TO ADR:The Court, having considered the parties Request: ADR Procedure Selection, the Notice to Parties of Court-Directed ADR Program, or the report submitted by the parties pursuant to Fed. R. Civ. P. 26(f) and Civil L.R. 26-1, hereby: ORDERS this case referred to ADR PROCEDURE NO. 3: Private mediation. The ADR proceeding is to be completed no later than: January 10, 2014THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sr) TEXT ONLY ENTRY (Entered: 09/17/2013)
09/17/2013	<u>10</u>	SCHEDULING AND CASE MANAGEMENT ORDER by Judge John F. Walter. Discovery cut-off 3/10/2014., Last day for hearing Motions 3/24/2014., Hearing on Motions in Limine 4/18/2014., Proposed Pretrial Order due by 4/1/2014., Last day to file Joint Report re: results of Settlement Conference 1/17/2014., Last date to conduct settlement conference is 1/10/2014., Jury Trial set for 4/22/2014 08:30 AM before Judge John F. Walter., Pretrial Conference set for 4/11/2014 10:00 AM

		before Judge John F. Walter.) (bp) (Entered: 09/18/2013)
10/01/2013	<u>11</u>	Notice of Change of Attorney Contact Information filed by Plaintiff Arturo Gonzalez (Ryther, Jill) (Entered: 10/01/2013)
01/10/2014	<u>12</u>	STIPULATION for Order to Extend Settlement Conference Date filed by Defendants City of Pico Rivera, County of Los Angeles. (Attachments: # <u>1</u> Declaration Timothy J. Kral, # <u>2</u> Proposed Order)(Kral, Timothy) (Entered: 01/10/2014)
01/13/2014	<u>13</u>	ORDER GRANTING Joint Stipulation to Extend Settlement Conference Date <u>12</u> by Judge John F. Walter that Last day to Conduct Settlement Conference continued to 2/3/2014; Last day to file Joint Report re Results of Settlement Conference on 2/10/2014. (jp) (Entered: 01/13/2014)
02/10/2014	<u>14</u>	STATUS REPORT <i>Of the Parties re Status of Settlement Conference</i> filed by Defendants City of Pico Rivera, County of Los Angeles. (Kral, Timothy) (Entered: 02/10/2014)
02/24/2014	<u>15</u>	NOTICE OF MOTION AND MOTION for Summary Judgment as to Adjudication of Issues on Complaint filed by Defendants City of Pico Rivera, County of Los Angeles. Motion set for hearing on 3/24/2014 at 01:30 PM before Judge John F. Walter. (Attachments: # <u>1</u> Declaration of Andres Cantu, # <u>2</u> Declaration of Jeffrey Lammers, # <u>3</u> Declaration of Travis Morrow, # <u>4</u> Declaration of Patrick Wayne Morey, # <u>5</u> Declaration of Raul Macias, # <u>6</u> Declaration of Javier Perez Azteca, # <u>7</u> Declaration of Lieutenant Ron Williams, # <u>8</u> Declaration of Timothy J. Kral, # <u>9</u> Memorandum Submission of Deposition Testimony, # <u>10</u> Proposed Order Statement of Decision, # <u>11</u> Proposed Order)(Kral, Timothy) (Entered: 02/24/2014)
02/24/2014	<u>16</u>	STATEMENT Material Uncontroverted Facts and Conclusions of Law filed by Defendants City of Pico Rivera, County of Los Angeles re: MOTION for Summary Judgment as to Adjudication of Issues on Complaint <u>15</u> . (Kral, Timothy) (Entered: 02/24/2014)
02/24/2014	<u>17</u>	NOTICE OF MOTION AND MOTION to Strike Plaintiffs Untimely Expert Designation and to Exclude Plaintiffs Expert from Testifying at Trial filed by defendants City of Pico Rivera, County of Los Angeles. Motion set for hearing on 3/24/2014 at 01:30 PM before Judge John F. Walter. (Attachments: # <u>1</u> Declaration Timothy J. Kral, Esq., # <u>2</u> Proposed Order)(Kral, Timothy) (Entered: 02/24/2014)
02/25/2014	18	Text Entry Order by Judge John F. Walter STRIKING, <u>17</u> Motion to Strike Plaintiffs Untimely Expert Designation and to Exclude Plaintiffs Expert from Testifying at Trial. Motion should be filed before the Magistrate Judge. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sr) TEXT ONLY ENTRY (Entered: 02/25/2014)
02/26/2014	<u>19</u>	STIPULATION to Dismiss Case pursuant to With Prejudice as to Entire Case and as to All Defendants [Frcp 41(a)(1)(A)(ii)] filed by defendants City of Pico Rivera, County of Los Angeles. (Attachments: # <u>1</u> Proposed Order)(Kral, Timothy) (Entered: 02/26/2014)
02/26/2014	<u>20</u>	Amended STIPULATION to Dismiss Case pursuant to Dismissal with Prejudice as to Entire Case and as to All Defendants [FRCP 41(a)(1)(A)(ii)] filed by defendants City of Pico Rivera, County of Los Angeles.(Kral, Timothy) (Entered: 02/26/2014)
02/27/2014	<u>21</u>	MINUTE IN CHAMBERS by Judge John F. Walter: Make JS-6 <u>20</u> . All pending Motions denied as moot. Pretrial/Trial dates vacated. (Made JS-6. Case Terminated.) (jp) (Entered: 02/27/2014)

Eugene P. Ramirez, Esq., State Bar No. 134865
Timothy J. Kral, Esq., State Bar No. 200919
MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
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Attorneys for Defendants
COUNTY OF LOS ANGELES and CITY OF PICO RIVERA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARTURO GONZALEZ, an individual,
Plaintiff,

vs.

CITY OF PICO RIVERA, a public entity;
COUNTY OF LOS ANGELES, a public
entity; and DOES 1-50, inclusive,

Case No.:

CV13-05629-JFW
NOTICE OF REMOVAL OF
ACTION BY DEFENDANTS,
PURSUANT TO 28 U.S.C.
§1441(b); DECLARATION OF
TIMOTHY J. KRAL; AND
EXHIBITS

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendants, COUNTY OF LOS ANGELES and
CITY OF PICO RIVERA, hereby removes, to this Court, the state court action
described below:

1. On July 10, 2013, an action was commenced in the Superior Court in the
State of California, in and for the County of Los Angeles, entitled *ARTURO*
GONZALEZ v. COUNTY OF LOS ANGELES and CITY OF PICO RIVERA, Los
Angeles Superior Court, Southeast District, Case No. VC063304.

2. The first date of which defendant COUNTY OF LOS ANGELES
received a copy of the Complaint was July 19, 2013, when served with a copy of the
Summons and Complaint from the plaintiff. The first date of which defendant CITY

1 OF PICO RIVERA received a copy of the Complaint was July 22, 2013, when served
2 with a copy of the Summons and Complaint from the plaintiff. The Complaint
3 alleges a civil rights violation and contains a cause of action brought by the plaintiff,
4 pursuant to 42 U.S.C. §1983. Thus, the COUNTY OF LOS ANGELES and CITY
5 OF PICO RIVERA have removed the case within the thirty day period of time. A
6 copy of the Summons and Complaint is attached hereto as **Exhibit "A."** Defendants
7 filed its Answer to the Complaint and Demand for Jury Trial on August 2, 2013. A
8 copy of Defendants' Answer to the Complaint and Demand for Jury is attached
9 hereto as **Exhibit "B"**.

10 3. This action is a civil action to which this Court has *original jurisdiction*
11 under 28 U.S.C. § 1331, and it is one which may be removed to this court by
12 defendants, pursuant to the provisions of 28 U.S.C. § 1441(b), in that it arises under
13 42 U.S.C. § 1983.

14 4. Defendants COUNTY OF LOS ANGELES and CITY OF PICO
15 RIVERA, respectfully request the above-entitled action, now pending in the Superior
16 Court of the State of California, in and for the County of Los Angeles, Southeast
17 District, be removed to this court.

18
19 Dated: August 5, 2013

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

20
21
22 By: 

Eugene P. Ramirez, Esq.
Timothy J. Kral, Esq.

23
24 Attorneys for Defendants
25 COUNTY OF LOS ANGELES and
26 CITY OF PICO RIVERA
27
28

DECLARATION OF TIMOTHY J. KRAL

I, Timothy J. Kral, declare as follows:

1. I am an attorney at law duly authorized to practice before all the courts of the State of California. I am also authorized to practice in United States District Court, Central District of California. I am a partner in the law firm of Manning & Kass, Ellrod, Ramirez, Trester LLP, attorneys of record herein for defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA ("defendants") herein. I am completely familiar with all the files, facts and pleadings in this case, and, if called upon as a witness, I could and would competently testify to the following facts based upon my own personal knowledge or based upon information and belief.

2. I am one of the attorneys responsible for representing the defendants in the above-entitled action now pending in Los Angeles Superior Court, Southeast District. I am also one of the attorneys responsible for representing these defendants, in this case, if it is allowed to be removed to federal court.

3. Attached hereto and incorporated as **Exhibit "A"** is a true and correct copy of the complaint filed on July 10, 2013 in Los Angeles Superior Court, Southeast District, by plaintiffs, naming as defendants, COUNTY OF LOS ANGELES and CITY OF PICO RIVERA. The summons and complaint alleges a violation of 42 U.S.C. § 1983.

4. Attached hereto and incorporated as **Exhibit "B"** is a true and correct copy of the answer to the complaint of defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA, filed in Superior Court on August 2, 2013, to the summons and complaint.

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EXHIBIT “A”

FILED

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CITY OF PICO RIVERA, a public entity; COUNTY OF LOS ANGELES, a public entity; and DOES 1-50, Inclusive.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

ARTURO GONZALEZ, an individual;

2013 JUL 12 PM 4

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

CLERK OF SUPERVISORS
COUNTY OF LOS ANGELES

JUL 10 2013

John A. Clarke, Executive Officer/Clerk

By A. Heras, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, end your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

AVISO! Lo han demandado. Si no responde dentro de 30 días, le corte puede decidir en su contra sin escuchar su versión. Lee la información e continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y le corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumple con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, le corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recíbe mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER:
(Número del Caso):

VC063301

Los Angeles Superior Court - Southeast District - Norwalk Courthouse,
12720 Norwalk Blvd., Norwalk, CA 90650

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Jill Ryther, Esq., 6911 Topanga Canyon Blvd., Suite #300, Canoga Park, CA 91303. 818-347-4126

DATE: July 10, 2013
(Fecha)

JOHN A. CLARKE

Clerk, by
(Secretario)

A. Heras

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): County of Los Angeles
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☒ by personal delivery on (date): 07/10/2013

(SEAL)

SUMMONS
(CITACION JUDICIAL)

RECEIVED
CITY CLERK
CITY OF PICO RIVERA

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

2013 JUL 22 PM 11

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 10 2013

John A. Clarke, Executive Officer/Clerk
By A. Heras, Deputy

CITY OF PICO RIVERA, a public entity; COUNTY OF LOS ANGELES, a public entity; and DOES 1-50, Inclusive.

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ARTURO GONZALEZ, an individual;

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER:
(Número del Caso):

VC063301

Los Angeles Superior Court - Southeast District - Norwalk Courthouse,
12720 Norwalk Blvd., Norwalk, CA 90650

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Jill Ryther, Esq., 6911 Topanga Canyon Blvd., Suite #300, Canoga Park, CA 91303. 818-347-4126

DATE: July 10, 2013
(Fecha)

JOHN A. CLARKE

Clerk, by
(Secretaría)

A. Heras

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

cc: City Atty

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

1 Jill L. Ryther SBN 266016
2 LAW OFFICES OF JILL L. RYTER, and
3 EXPAND ANIMAL RIGHTS NOW
4 6911 Topanga Canyon Blvd., Suite #300
5 Canoga Park, CA 91303
6 Ph: 818-347-4127 Fx: 818-347-4128

7 *Attorney for Plaintiff*
8 ARTURO GONZALEZ

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 10 2013

John A. Clarke, Executive Officer/Clerk
By A. Heras, Deputy

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES – NORWALK COURTHOUSE

ARTURO GONZALEZ, an individual;

Plaintiff,

vs.

CITY OF PICO RIVERA, a public entity;
COUNTY OF LOS ANGELES, a public
entity; and DOES 1-50, Inclusive.

Defendants.

Case No. **VC063304**

**VERIFIED COMPLAINT FOR
DAMAGES**

1. Trespass to Chattel [Willful Injury to Animals]
2. Conversion
3. Negligence Per Se/Cruelty to Animals [Penal Code §597(a)]
4. 42 US §1983
5. Negligence (Government)
6. Negligence (Individual)
7. Intentional Infliction Of Emotional Distress

I.

INTRODUCTION

Plaintiff herein bring this suit for the improper and unlawful shooting of his family companion, Chico Blue.

1
2 **II.**

3 **JURISDICTION AND VENUE**

4 Plaintiff has complied with the requirements of California Government Code §900 et.
5 seq. for all of its claims and of these claims, has properly exhausted all administrative remedies
6 prior to bringing this action. Plaintiff presented his Government Claim to Defendants and
7 Plaintiff now timely brings this action within six (6) months of the denial received from
8 defendants on June 21st, 2013.

9 Subject matter and personal jurisdiction are appropriate in this forum because the claims
10 arose in the City of Pico Rivera, County of Los Angeles and all parties have regular ongoing
11 business in the City of Pico Rivera, County of Los Angeles.
12

13 **III.**

14 **PARTIES**

15
16 1. Plaintiff ARTURO GONZALEZ (hereinafter referred to as "GONZALEZ" or
17 "Plaintiff" is, and at all times herein mentioned, was a resident of the City of Pico Rivera,
18 County of Los Angeles, California. Mr. Gonzalez is the guardian/owner of the beloved
19 companion canine named CHICO BLUE.
20

21 2. Plaintiff is informed and believes and therefore alleges that Defendants, COUNTY OF
22 LOS ANGELES and CITY OF PICO RIVERA (hereinafter referred to as "County" or "Los
23 Angeles" and "City" or "Pico Rivera" or "Defendant" or "Defendants"), both public entities are,
24 and at all time herein mentioned, have been a political subdivision of the State of California, duly
25 organized and existing under the laws of the State of California. The City of Pico Rivera and the
26 County of Los Angeles, are responsible for the improper shooting and death of CHICO BLUE.
27
28

1 3. Plaintiff is informed and believes and therefore alleges that Defendant City and Does
2 1 through 50 are, and at all times herein mentioned, were employed by Defendant County of Los
3 Angeles and in doing the things hereinafter alleged were acting in the course and scope of
4 employment and under the color of the County's authority and under the color of statutes,
5 ordinances, regulations, customs, and usage of the State of California and the City of Pico
6 Rivera, County of Los Angeles. DOE and Does 1 through 50 are sued individually and in their
7 official capacity.
8

9 4. Plaintiff is informed and believes, and thereon alleges, that at all times herein
10 mentioned each of the Defendants sued herein as DOES 1-50, inclusive, was the agent and
11 employee of each of the remaining Defendants and was at all times acting within the purpose and
12 scope of such agency and employment.
13

14 5. Defendants, Los Angeles and Pico Rivera and DOE are, and at all times herein
15 mentioned were, the agents and employees of its/their co-defendants, and in doing these things
16 hereinafter alleged were acting within the course and scope of such agency and the permission
17 and consent of their co-defendants.
18

19 6. Plaintiff is unaware of the true names and capacities, whether individual, corporate,
20 associate, or otherwise, of Defendants sued herein as Does 1-50, inclusive, and therefore sues
21 those Defendants by such fictitious names. Plaintiff will amend his complaint to allege their true
22 names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges
23 that each of the fictitiously named Defendants is legally responsible or negligent in some manner
24 for the occurrences, acts, and omissions herein alleged, and that Plaintiff's injuries and damages
25 as herein alleged were directly and legally caused by that negligence, willful, or intentional
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1 conduct. Each reference in this complaint to defendant, defendants, or a specifically named
2 defendant, refers also to all defendants sued under fictitious names.

3 7. At all times herein mentioned, each Defendant, including all defendants sued under
4 fictitious names, was the agent, partner, joint venturer, and employee of each of the remaining
5 Defendants, and in doing the things herein alleged, was acting within the course and scope of
6 each agency, partnership, joint venture, and employment with the advance knowledge,
7 acquiescence or subsequent ratification of each and every remaining defendant.
8

9 8. Plaintiff has complied with the California Tort Claims Act by timely filing a claim
10 against Defendants. The claims were rejected on or less than six months ago.
11

12 IV.

13 **STATEMENT OF FACTS RELEVANT TO ALL CAUSES OF ACTION**

14 9. Plaintiff was the owner and possessor of a five year old, male dog named CHICO
15 BLUE, hereinafter referred to as "CHICO BLUE."
16

17 10. CHICO BLUE had been the companion animal of the Plaintiff and an important
18 member of Plaintiff's family. Defendants, and each of them knew or should have known of
19 Plaintiff's close attachment to his dog, CHICO BLUE, and of CHICO BLUE's special value to
20 Plaintiff.
21

22 11. On or about 11:00 am., on December 6, 2012, Plaintiff was at his residence with his
23 dog CHICO BLUE, when officers arrived due to a call of a shooting in the area. The shooting
24 had no connection to Plaintiff.

25 12. The first officer approached Plaintiff and took Plaintiff to the officer's vehicle,
26 although Plaintiff had done nothing wrong. The officer told Plaintiff he was not under arrest but
27
28

1 was taking him to the officer's car nonetheless.

2 13. As Plaintiff was being taken to the officer's vehicle, other patrol cars arrived on the
3 scene.

4
5 14. Plaintiff then told a female officer on scene that he had his dog CHICO BLUE in the
6 backyard who needed to be secured, but the female officer did not respond or even acknowledge
7 Plaintiff.

8
9 15. As more officers began to enter the front yard of Plaintiff's property, Plaintiff asked
10 every officer that passed the car he was placed in if the officer could please allow him to secure
11 Plaintiff's dog. However, Plaintiff received no acknowledgement from any officers.

12
13 16. Plaintiff then saw a group of officers gather by the back fence, where CHICO BLUE
14 was in an enclosed area and where Plaintiff then witnessed an officer pick up a lounge chair and
15 throw it over the fence at CHICO BLUE for no apparent reason
16

17
18 17. Plaintiff once again asked that he be permitted to secure Chico Blue. The officers
19 once again ignored Plaintiff. Instead, a female officer opened the car door where Plaintiff was,
20 and began questioning the Plaintiff in an aggressive manner and asked Plaintiff where he was
21 from and what his nickname was.

22
23 18. When Plaintiff asked the officer about his dog, the officer smirked and walked away.
24

25 19. Plaintiff subsequently watched another officer open the gate to enter the area where
26 CHICO BLUE was located. Chico Blue walked to the back of the yard in the direction of his
27
28

1 dog house. The officer callously used his taser on CHICO BLUE's face twice. Plaintiff heard
2 CHICO BLUE yelp and cry in pain and Plaintiff continuously pleaded with officers to allow him
3 to put CHICO BLUE inside. The officer left the gate open after tasing Chico Blue.

4
5 20. After being tasered, CHICO BLUE staggered towards the front yard in a daze.
6 CHICO BLUE appeared confused and posed no threat to anyone in his vicinity. Chico Blue was
7 attempting to avoid the officers standing out front, However, in the penultimate act of cruelty,
8 one of two officers standing near the sidewalk drew his gun and shot CHICO BLUE twice. To
9 recap, officers approached Plaintiff's dog in an enclosed area, threw a chair at CHICO BLUE,
10 tased him in the face, and then shot him.

11
12
13 21. After being shot CHICO BLUE tried to flee and jumped into the passenger seat of an
14 officer's car, whose door was open. Rather than helping CHICO BLUE or allowing Plaintiff to
15 help CHICO BLUE, an officer kicked the door to the car shut and barricaded CHICO BLUE in
16 the car, where CHICO BLUE bled to death.

17
18 22. Plaintiff had to remain in the officer's car for another 30-40 minutes before the officer
19 explained to Plaintiff he would be released and that the officer would not take responsibility for
20 CHICO BLUE'S injuries.

21
22 23. Subsequently, and despite a letter to preserve Chico Blue's body from Plaintiff's
23 attorney, as well as several phone calls regarding picking up Chico Blue's body, Defendants got
24 rid of Chico Blue's body without permission.

25
26
27 24. Defendant's treatment of Plaintiff and CHICO BLUE was callous and reprehensible.

1 CHICO BLUE was senselessly tortured and killed in front of Plaintiff, who has suffered
2 emotionally and psychologically since the incident.

3
4 25. Plaintiff has incurred additional damages and expenses as described below.

5
6 **FIRST CAUSE OF ACTION**

7 **TRESPASS TO CHATTEL - WILLFUL INJURY TO ANIMALS**

8 **(Against All Defendants)**

9 26. *The allegations of paragraphs 1-25 are re-alleged and incorporated by reference*

10 27. At all times herein mentioned, Plaintiffs were the owners and possessors of a male,
11 five year old, family dog, known as CHICO BLUE. This dog was a good-natured companion
12 family pet. At the time of CHICO BLUE'S shooting and death, CHICO BLUE was the
13 companion of the Plaintiff and his family, friends, and neighbors, and was known and enjoyed by
14 all of them. The bond between Plaintiff and Chico Blue was irreplaceable.

15
16 28. On or about December 6, 2012 while Defendants, and DOES 1 through 50, were
17 working in the course and scope of their employment, and individually, Defendants intentionally,
18 willfully, in disregard for humanity, and in violation of law, without lawful authority, shot and
19 killed Plaintiff's dog CHICO BLUE.

20
21 29. In doing the acts herein complained of, Defendants acted willfully, and in complete
22 disregard of humanity and with a willful disregard for both the law and the property rights of
23 private citizens. As a direct and legal result of these breaches by defendants, the Plaintiff was
24 damaged, in an amount according to proof.
25
26
27
28

SECOND CAUSE OF ACTION

CONVERSION

(Count One – Against DOE Defendants)

30. The allegations of paragraphs 1-29 are re-alleged and incorporated herein, by reference.

31. At all times herein mentioned, Plaintiff was the owner of a beautiful dog named CHICO BLUE". Plaintiff was entitled to the possession of the following personal property, namely: CHICO BLUE.

32. On or about December 6, 2012, Defendants willfully and intentionally shot and killed Plaintiff's dog, CHICO BLUE, thereby taking and destroying valuable property of the Plaintiff's.

33. Defendants appropriated dominion and control over CHICO BLUE to their own use, or the use of another, or others.

34. In doing the acts herein alleged, defendants actually and substantially interfered with Plaintiff's rights and converted CHICO BLUE to their/its own use.

35. The above acts were done knowingly, and with gross negligence, in disregard of humanity. Defendants, having shot Plaintiff's dog causing him death, thereby Defendants held themselves out as the owners of the dog, thereby causing serious and severe emotional distress to Plaintiff's.

36. As a direct and legal result of the acts and omissions of the Defendants, Plaintiff's suffered out of pocket losses and other general and special damages, including emotional distress, pain and suffering and loss of enjoyment and use in an amount, according to proof.

1 37. At the time defendants converted the property, i.e. CHICO BLUE, defendants were
2 guilty of malice, oppression, recklessness, and a willful and conscious disregard for humanity
3 and for the rights of Plaintiff.

4
5 38. By reason of these acts, Plaintiff has been oppressed and seeks punitive and
6 exemplary damages, and other damages according to proof.

7
8 **(Count Two - As to Defendant City and County)**

9
10 39. The allegations of paragraphs 1-38 are re-alleged and incorporated herein, by
11 reference.

12 40. At all times herein mentioned, Plaintiff was the owner of a beautiful dog named
13 CHICO BLUE. Plaintiff was entitled to the possession of the following personal property,
14 namely: CHICO BLUE.

15
16 41. On or about December 6, 2012, Defendants willfully and intentionally shot and
17 killed Plaintiff's dog, CHICO BLUE, thereby taking and destroying valuable property of the
18 Plaintiffs.

19 42. Defendants appropriated dominion and control over CHICO BLUE to their own use,
20 or the use of another, or others.

21
22 43. In doing the acts herein alleged, defendants actually and substantially interfered with
23 Plaintiff's rights and converted CHICO BLUE to their/its own use.

24 44. The above acts were done knowingly, and with gross negligence, in disregard of
25 humanity. Defendants, having shot Plaintiff's dog and caused him death, thereby Defendants
26 held themselves out as the owners of the dog, thereby causing serious and severe emotional
27

1 distress to Plaintiff.

2 45. As a direct and legal result of the acts and omissions of the Defendants, Plaintiff
3 suffered out of pocket losses and other general and special damages, including emotional
4 distress, pain and suffering and loss of enjoyment and use in an amount, according to proof.

5 46. At the time defendants converted the property, i.e. CHICO BLUE, defendants were
6 guilty of malice, oppression, recklessness, and a willful and conscious disregard for humanity
7 and for the rights of Plaintiff.
8

9 **THIRD CAUSE OF ACTION**

10 **NEGLIGENCE PER SE**

11 **CRUELTY TO ANIMALS (VIOLATIONS OF CAL. PENAL CODE §597**

12 **(Count One - As to Doe Defendants)**

13 47. The allegations of paragraphs 1-46 are re-alleged and incorporated by reference
14 herein.
15

16 48. On or about December 6, 2012, Defendants, while working in the course and scope
17 of their employment, and individually, shot and killed CHICO BLUE without due process of
18 law, and in violation of Plaintiff's rights as owner of CHICO BLUE.
19

20 49. Defendants' duty that gives rise to strict liability arises from conduct that was both
21 intentional and intended to harm.

22 50. Defendants had a duty to treat CHICO BLUE kindly and not to shoot him. They also
23 had a duty to care for him once he was injured.

24 51. Defendants breached this obligation imposed by law by not properly and reasonably
25 using care towards Plaintiff's dog, CHICO BLUE. Instead, CHICO BLUE was intentionally shot
26 twice and then left to suffer and die in the Officer's car.

27 52. The acts or omissions of the defendants were wrongful, malicious, intentional, and
28

1 reckless, and done with the intent to harm, and amounted to no less than gross negligence, in
2 disregard of humanity, and were in violation of law, including Penal Code §597, and justify the
3 awarding of exemplary and punitive damages.

4
5 53. As a direct and legal result of the acts and omissions enumerated above, Plaintiff
6 suffered the special, general, and other damages alleged heretofore, and below, according to
7 proof.

8
9 54. The shooting death of Plaintiff's dog CHICO BLUE was done intentionally and
10 maliciously or with no less than gross negligence, in that it was an intentional wrongful act
11 without legal justification or excuse and was done in reckless disregard of Plaintiff's rights, and
12 therefore in violation of Cal. Penal Code §597(a).

13 **(Count Two - As to Defendant City and County)**

14 55. The allegations of paragraphs 1-54 are re-alleged and incorporated by reference
15 herein.

16
17 56. On or about December 6, 2012, Defendants, while working in the course and scope
18 of their employment, and individually, shot and killed CHICO BLUE without due process of
19 law, and in violation of Plaintiff's rights as owner of CHICO BLUE.

20
21 57. Defendants' duty that gives rise to strict liability arises from conduct that was both
22 intentional and intended to harm.

23 58. Defendants had a duty to treat CHICO BLUE kindly and not to shoot him. They also
24 had a duty to care for him once he was injured.

25 59. Defendants breached this obligation imposed by law by not properly and reasonably
26 using care towards Plaintiffs' dog, CHICO BLUE. Instead, CHICO BLUE was intentionally shot
27 and left to die.

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1 domestic canines by incompetent, unqualified, and inexperienced personnel who make mistakes
2 that could cause the death of citizens' canine pets. With complete disregard for the law, the
3 defendants have also committed a Fourth Amendment violation by attempting to deprive
4 Plaintiff of his animal companion CHICO BLUE, which they did.

5 66. As alleged in the foregoing paragraphs, Defendants, and each of them, both
6 individually and by and through their agents and employees, acting under color of the statutes,
7 ordinances, regulation, custom, and usage subjected and/or caused Plaintiff to be subjected to a
8 violation of those Rights, Privileges, and Immunities secured by the Constitution and laws of the
9 United States.
10

11 67. Defendants subjected and caused to be subjected the Plaintiff a deprivation of his
12 Rights, Privileges, and Immunities provided by the Constitution and laws of the United States by
13 the shooting and destruction of Plaintiffs' dog, CHICO BLUE, and in the and unlawful entry and
14 detention of Plaintiff, in violation of Due Process and the Search and Seizure laws; without
15 notice or an opportunity to be heard, and without lawful authority, in direct violation of the
16 owner and possessors freedom to keep personal property, without the unlawful taking of such
17 property.
18
19

20 68. As a direct and legal result of the tortious acts of Defendants, and each of them,
21 Plaintiff has suffered actual, special, and general damages, according to proof.

22 69. The Defendants, and each of them, by their conduct, in committing the acts
23 complained of herein, did so maliciously, oppressively, in disregard of humanity, and in total
24 disregard of Plaintiff's rights, and with the intent to harm Plaintiff, or the reckless disregard for
25 the consequences of Defendants' acts. Plaintiff, therefore pray for exemplary and punitive
26
27
28

1 damages as to all Defendants, in an amount, according to proof.

2 **FIFTH CAUSE OF ACTION**

3 **NEGLIGENCE; GOVERNMENT**

4 **(As to Defendant City and County)**

5 70. Plaintiff hereby refers to and incorporates by reference paragraphs 1 through 69 as
6 though fully set forth herein.

7
8 71. Defendant CITY OF PICO RIVERA and COUNTY OF LOS ANGELES are official
9 government agencies.

10 72. CITY and COUNTY are liable for injury proximately caused by an act or omission of
11 their employee within the scope of his or her employment if the act or omission would have
12 given rise to a cause of action against that employee or his personal representative.

13
14 73. CITY and COUNTY are under a mandatory duty imposed by an enactment that is
15 designed to protect against the risk of a particular kind of injury.

16 74. CITY and COUNTY are liable for an injury of that kind proximately caused by its
17 failure to discharge the duty unless they establish that it exercised reasonable diligence to
18 discharge the duty.

19 75. Defendants have a Duty to protect people and their property from harm.

20 76. Defendants, in discharging its duty as alleged above, owed a duty to citizens,
21 including the Plaintiff, who is thrust into the Defendants' employee's purview and subject to their
22 conduct including, but not limited to, said agents, employees and service providers acting under
23 color of State Law.

24
25 77. Defendants, and each of them, had a duty to use reasonable care and owed a duty of
26 care to the Plaintiff to exercise that degree of care, skill and diligence commonly exercised by
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28

1 other police departments, so as not to cause harm damage, or death to citizens' animals, or their
2 guardians or lawful owners.

3 78. As set forth in those facts alleged herein, Defendants did not act with a standard of
4 care that would insure the performance of its duties and responsibilities in protecting people and
5 their property.

6 79. Defendants owe a duty to Plaintiff to exercise reasonable care in the selection of
7 employees who are hired to serve and protect the property of the citizens of the community.

8 80. Defendants negligently retained, trained, supervised, managed, regulated, oversaw,
9 disciplined and reviewed the qualifications, conduct standards, training, experience, knowledge,
10 and performance of said Defendants, or negligently recommended the hiring or retention of said
11 Defendants and negligently failed to assure that said Defendants were properly trained,
12 supervised, managed, regulated, overseen, disciplined, and reviewed concerning their
13 qualification, conduct, standards, training, experience, knowledge, and performance. Defendants
14 further directed and ratified and condoned the acts alleged committed by said Defendants and
15 negligently, carelessly, and recklessly used as agents and employees to carry out such
16 responsibilities.

17 81. Because Defendants breached its duties, Plaintiff was directly and legally damaged
18 in the manner set forth and in an amount to be proven, according to proof.

19 82. Defendants, and each of them, breached their duty to "CHICO BLUE" and his
20 owners by shooting him without consent or legal authority.

21 83. The Defendants knew or should have known that shooting CHICO BLUE and
22 allowing him to lay bleeding in their car while other officers took turns approaching the car and
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1 staring at CHICO BLUE as he laid dying, with no intent of rendering aid or allowing Plaintiff to
2 render aid, would create emotional and psychological injuries to Plaintiff. As a result Plaintiff
3 has suffered severe emotional distress manifested in anxiety, depression, sleeplessness, and loss
4 in work, among other things.

5 84. As a direct and legal result of the conduct and omissions of the Defendants, and each
6 of them, CHICO BLUE and the Plaintiff sustained damages and injuries as further described
7 below.
8

9 85. Defendants, and each of them, carelessly, recklessly, with gross negligence, and in
10 disregard of humanity, caused injuries and damages to the Plaintiff, as set out herein and below,
11 and justify the awarding of exemplary and punitive damages.
12

13 86. The Plaintiff's injuries would not have normally occurred in the absence of the
14 defendants' negligence.

15 87. As a direct and legal result of the defendants' negligent acts, Plaintiff has been
16 injured in their health, activity, and livelihood, all of which injuries have caused mental,
17 emotional, and nervous pain and suffering, including but not limited to anxiety, depression,
18 sleeplessness, and loss in work. Plaintiff has suffered economic, non-economic and other
19 damages and injuries as more specifically set forth in the prayer below.
20

21 **SIXTH CAUSE OF ACTION**

22 **NEGLIGENCE**

23 **(As to DOE Defendants)**

24
25 88. The allegations of paragraphs 1-87 are re-alleged and incorporated by reference
26 herein.
27
28

1 89. Defendants had a duty to use reasonable care and owed a duty of care to the Plaintiff
2 to exercise that degree of care, skill and diligence commonly exercised by other officers, so as
3 not to cause harm or damage to citizens' animals or their guardians or lawful owners.

4 90. Defendants had a duty to treat CHICO BLUE kindly and not to shoot him and allow
5 him to suffer and die.

6 91. Defendants knew or should have known that shooting CHICO BLUE and allowing
7 him to lay bleeding in an officer's car while other officers approached and stared at CHICO
8 BLUE, with no intent of rendering aid or allowing Plaintiff to render aid, would create emotional
9 and psychological injuries to Plaintiff.
10

11 92. Defendant carelessly, recklessly, with gross negligence, and in disregard of
12 humanity, caused injuries and damages to the Plaintiff, as set out herein and below, and justify
13 the awarding of exemplary and punitive damages.
14

15 93. The Plaintiff's injuries would not have normally occurred in the absence of the
16 defendant's negligence.
17

18 94. As a direct and legal result of the defendants' negligent acts, Plaintiff has been
19 injured in their health, activity, and livelihood, all of which injuries have caused mental,
20 emotional, and nervous pain and suffering. Plaintiff has suffered economic, non-economic and
21 other damages and injuries as more specifically set forth in the prayer below.
22

23 **SEVENTH CAUSE OF ACTION**

24 **INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**

25 **(As to All Defendants)**

26 95. The allegations of paragraphs 1-94 are re-alleged and incorporated by reference
27
28

1 herein.

2 96. At all times mentioned in this complaint, Defendants were working in the course and
3 scope of their employment.

4 97. On or about December 6, 2012, Defendants shot, without consent, Plaintiffs' dog,
5 CHICO BLUE, thereby willfully, intentionally, and with malice injuring and destroying valuable
6 property of Plaintiffs, namely CHICO BLUE, without consent or legal authority.
7

8 98. The Defendants, and each of them, were aware, or should have been aware, that
9 Plaintiff was the owner of CHICO BLUE and that he and his family loved CHICO BLUE very
10 much.

11 99. When Pico Rivera Police Officers allowed CHICO BLUE to lay bleeding in an
12 officer's car while other officers approached and stared at CHICO BLUE, with no intent of
13 rendering aid or allowing Plaintiff to render aid, Plaintiff was left helpless and was forced to
14 watch CHICO BLUE die, causing severe emotional distress to Plaintiff, when Plaintiff had
15 begged and pleaded all along to secure his dog.
16

17 100. Defendants thereby acted outrageously, intentionally, knowingly, and unreasonably
18 with the specific intent to inflict mental anguish, emotional, and physical distress.
19

20 101. Defendants' conduct had a severe and traumatic and lasting effect on Plaintiff's
21 emotional tranquility. As a proximate result of the outrageous acts of the Defendants, Plaintiff
22 has suffered severe emotional distress and a loss of and reduction of enjoyment in life.
23

24 102. As a direct and legal result of Defendant's conduct, Plaintiff has suffered special
25 and general damages, as described below in an amount to be determined by proof at trial.

26 103. The conduct set forth in this Complaint was extreme and outrageous and an abuse
27
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1 of the authority and position of Defendants and each of them. Said conduct was intended to
2 cause severe emotional distress and was done in conscious disregard of the probability of causing
3 such distress.

4 104. Defendants also knew or should have known that shooting CHICO BLUE and
5 allowing him to lay bleeding in the officer's car while officers took turns approaching the car and
6 staring at CHICO BLUE as he laid dying, with no intent to render aid or let Plaintiff render aid,
7 it would create emotional and psychological injuries to Plaintiff and would cause the Plaintiff
8 severe emotional distress and mental anguish.

9
10 105. Further, such conduct was outrageous and unprivileged, and was undertaken with
11 the intent to cause, or with reckless disregard of the probability of causing emotional distress
12 where CHICO BLUE, did not provoke officers and even after shooting CHICO BLUE, the
13 officers did nothing to help CHICO BLUE, as he was dying in the officer's car.

14
15 106. As a direct and legal result of the Defendants outrageous conduct, the Plaintiff
16 suffered severe emotional distress.

17
18 107. The Defendants' conduct in committing the acts complained of herein was done
19 willfully, maliciously and oppressively, with the intent to harm Plaintiff. Plaintiff therefore prays
20 for exemplary and punitive damages as to defendant DOE and Defendant Does 1 through 50.

21 108. The distress created was in time and manner sufficiently substantial such that a
22 reasonable person of ordinary sensibilities would suffer under the circumstances.

23
24 WHEREFOR Plaintiff prays for damages in excess of \$25,000, in amounts according to
25 proof, for:

- 26 1. For special damages according to proof;
- 27
28

1 2. Loss of companionship and enjoyment in life, in an amount according to proof;

2 3. General Damages, including pain and suffering and emotional distress, in an amount
3 according to proof;

4 4. Exemplary damages pursuant to Civil Code §3340, according to proof;

5 5. Attorney Fees, pursuant to 42 US §1983;

6 6. Interest from the date of the incident, according to proof;

7 7. For costs of suit herein incurred;

8 8. The legal rate of interest; and

9 10. For such other and further relief as the Court may deem just and proper.
10
11

12
13 Dated: July 10, 2013

14 _____
15
16 Jill Ryther, Attorney for Plaintiff,
17 Arturo Gonzalez
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EXHIBIT “B”

Eugene P. Ramirez, Esq. (State Bar No. 134865)
 Timothy J. Kral, Esq. (State Bar No. 200919)

(Exempt from Filing Fee Gov. Code §6103)

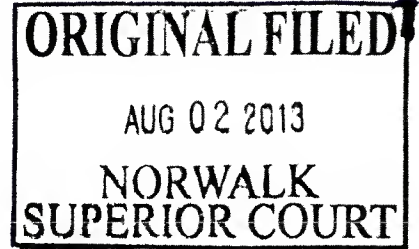
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Attorneys for Defendants

COUNTY OF LOS ANGELES and CITY OF PICO RIVERA



SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES - NORWALK COURTHOUSE

ARTURO GONZALEZ, an individual,

Plaintiff,

vs.

CITY OF PICO RIVERA, a public entity;
 COUNTY OF LOS ANGELES, a public entity;
 and DOES 1-50, inclusive,

Defendants.

Case No.: VC 063304

**ANSWER TO COMPLAINT; DEMAND
 FOR JURY TRIAL**

Complaint filed: 7/10/13

Defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA answer plaintiff's
 unverified Complaint as follows:

Pursuant to Code of Civil Procedure § 431.30, defendants deny, generally and specifically,
 each and every allegation in the Complaint. Defendants further deny that plaintiff has been damaged
 in the sum alleged in the Complaint, or any other sum, or at all.

FIRST AFFIRMATIVE DEFENSE

1. The Complaint fails to state a cause of action against defendants COUNTY OF LOS
 ANGELES and CITY OF PICO RIVERA.

SECOND AFFIRMATIVE DEFENSE

2. The employees of defendants COUNTY OF LOS ANGELES and CITY OF PICO
 RIVERA acted reasonably pursuant to applicable rules, regulations, and practices and in good faith

1 believed their actions to be in accordance with the Constitution and laws of the United States, and
2 defendants' employees are, therefore, entitled to qualified immunity.

3 **THIRD AFFIRMATIVE DEFENSE**

4 3. The employees of defendants COUNTY OF LOS ANGELES and CITY OF PICO
5 RIVERA acted within the scope of their discretion, within the meaning of Cal. Govt. Code §§ 820.2
6 and 815.2, in good faith, with due care, and are, therefore, immune from liability.

7 **FOURTH AFFIRMATIVE DEFENSE**

8 4. At the time and place of the occurrence alleged in the Complaint, plaintiff failed to
9 exercise ordinary care on his own behalf or for the safety of his animal. That negligence caused the
10 injury and damage, if any, that plaintiff sustained. Consequently, plaintiff's right to recover should be
11 diminished by his proportional share of fault.

12 **FIFTH AFFIRMATIVE DEFENSE**

13 5. The plaintiff's claims are barred because plaintiff freely and voluntarily assumed the
14 risk of any detriment that resulted.

15 **SIXTH AFFIRMATIVE DEFENSE**

16 6. The defendants allege that plaintiff has unreasonably failed to mitigate
17 damages, if any.

18 **SEVENTH AFFIRMATIVE DEFENSE**

19 7. Plaintiff's cause of action for negligence is barred or plaintiff's recovery should be
20 reduced because any injuries or damages were proximately caused by the negligence and other legal
21 fault of persons or entities other than defendants COUNTY OF LOS ANGELES and CITY OF
22 PICO RIVERA or their employees.

23 **EIGHTH AFFIRMATIVE DEFENSE**

24 8. Plaintiff's contributory negligence was a proximate cause in bringing about the death
25 of his animal. Plaintiff's recovery against defendants should be reduced in proportion to the amount
26 of his own negligence.

27 ///

28 ///

NINTH AFFIRMATIVE DEFENSE

9. The plaintiff's recovery is barred because public entities and employees are immune from liability for any act or omission while exercising due care in the execution or enforcement of any law.

TENTH AFFIRMATIVE DEFENSE

10. Plaintiff's claim for punitive or exemplary damages is unconstitutional and invalid in that it violates the United States Constitution, including, but not limited to, the Due Process Clause, and the Fifth, Sixth and Eighth Amendments.

ELEVENTH AFFIRMATIVE DEFENSE

11. Plaintiff's claims alleged in the Complaint are barred by the applicable statutes of limitations, including, but not limited to, the provisions of Cal. Code of Civ. Proc. §§ 335.1, 338(a), 339, 340, 340.3, 342 and/or 343.

TWELFTH AFFIRMATIVE DEFENSE

12. In doing the acts complained of by plaintiff, the employees of defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA acted in self-defense and used no more force than was reasonably necessary to prevent impending injury to themselves and others.

THIRTEENTH AFFIRMATIVE DEFENSE

13. The Complaint does not show on its face that the action is one arising under the Constitution or laws of the United States.

FOURTEENTH AFFIRMATIVE DEFENSE

14. Public entities and employees are immune from liability for injury, whether caused by the act or omission of the public entity, an employee thereof or any other person, except as expressly provided by statute.

FIFTEENTH AFFIRMATIVE DEFENSE

15. The factual circumstances set forth in plaintiff's written claims do not correspond with the facts alleged in plaintiff's Complaint. The Complaint thereby alleges a factual basis for recovery which is not fairly reflected in the written claims.

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SIXTEENTH AFFIRMATIVE DEFENSE

16. The Complaint, and each and every alleged cause of action therein, is barred because defendants are immune from liability for any injury resulting from its failure to enforce any law or enactment.

SEVENTEENTH AFFIRMATIVE DEFENSE

17. The plaintiff's recovery is barred because a public entity is immune from liability for any injury, for any injury resulting from an act or omission by one of its employees who is immune from liability.

EIGHTEENTH AFFIRMATIVE DEFENSE

18. Plaintiff's recovery is barred because public entities and employees are immune from liability for any injury caused by the act or omission of another person.

NINETEENTH AFFIRMATIVE DEFENSE

19. The Plaintiff's recovery is barred because public entities and employees are immune from liability for discharging their mandatory duties with reasonable diligence.

TWENTIETH AFFIRMATIVE DEFENSE

20. The plaintiff's recovery is barred because a public entity is immune from liability for any action taken under the pressure of public necessity and to avert impending peril which constitutes a valid and legitimate exercise of the police power.

TWENTY-FIRST AFFIRMATIVE DEFENSE

21. Defendants' employees are immune from liability because they acted in good faith with an honest and reasonable belief that their actions and conduct were necessary and appropriate.

TWENTY-SECOND AFFIRMATIVE DEFENSE

22. The defendants allege that the incident mentioned in the Complaint and the alleged damages and/or injuries, if any, sustained by plaintiff were directly and proximately caused and contributed to by the negligence of a third party(ies) in that the said third parties did not exercise proper or necessary care or control over plaintiff's animal at or about the time of the incident.

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TWENTY-THIRD AFFIRMATIVE DEFENSE

23. The defendants allege that liability, if any, for all non-economic damages shall be allocated in direct proportion to each tortfeasor's percentage of fault. Civil Code, § 1431, et seq.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

24. The defendants allege that this subject action is frivolous and plaintiff and his attorneys are liable for sanctions pursuant to Code of Civil Procedure § 128.5 and § 128.7.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

25. Plaintiff's cause of action for negligence is barred because the injuries alleged were caused by an emergency situation, not created by any fault of the employees of defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA and into which their employees were suddenly and unexpectedly placed.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

26. Plaintiff's recovery is barred because any injury or damage suffered by plaintiff was caused solely by reason of plaintiffs' wrongful acts and conduct and the willful resistance to a peace officer in the discharge of the duties of his or her office.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

27. The defendants allege that the complaint and each of the claims for relief therein are barred by the doctrine of laches.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

28. The defendants allege that the plaintiff has engaged in conduct and actions relating to the Complaint sufficient to estop plaintiff from bringing the claims asserted against the defendants.

TWENTY-NINTH AFFIRMATIVE DEFENSE

29. The acts complained of by plaintiff were committed in the course of making a lawful arrest. In making this arrest, employees of defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA used only reasonable force.

THIRTIETH AFFIRMATIVE DEFENSE

30. Plaintiffs' claims are barred by Plaintiffs' failure to comply with the Government Tort claims presentation requirements, Cal. Govt. Code §§ 900, et seq., including, but not limited to

1 §§ 900, 900.4, 901, 905, 905.2, 910, 911, 911.2, 911.4, 945.4, 945.6, 946.6, 950.2 and 950.6. If
 2 and to the extent that the allegations of the Complaint enlarge upon the facts and contentions set
 3 forth in the Tort claim, said Complaint fails to state a cause of action and is barred by Cal. Govt.
 4 Code §§ 905.2, 911.2, and 950.2.

5 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

6 31. The defendants allege that the complaint and each of its claims for relief are barred by
 7 the doctrine of unclean hands.

8 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

9 32. The plaintiff's recovery is barred because defendants are not responsible for plaintiff's
 10 harm, if any, because the entry onto plaintiff's property was lawful, and further, such entry was
 11 necessary, or reasonably appeared to defendants' employees to be necessary, to enter the land to
 12 prevent serious harm to a person or property.

13 **THIRTY-THIRD AFFIRMATIVE DEFENSE**

14 33. The defendants allege that their employees were exercising the privilege to assert their
 15 legal rights, the conduct of the defendants' employees was lawful and consistent with community
 16 standards, and defendants' employees had a good-faith belief that they had a legal right to engage in
 17 the conduct.

18 **THIRTY-FOURTH AFFIRMATIVE DEFENSE**

19 34. Plaintiff's complaint for negligence per se under Penal Code §597 is barred because
 20 there is no private right of action under the statute.

21 **THIRTY-FIFTH AFFIRMATIVE DEFENSE**

22 35. Plaintiff's fifth cause of action for negligence against the City and County is barred
 23 because there is no direct cause of action for negligence against a public entity.

24
 25 WHEREFORE, Defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA
 26 prays as follows:

27 1. That plaintiff take nothing by this action;
 28

1 2. That defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA be
2 awarded attorney's fees and costs of this suit; and

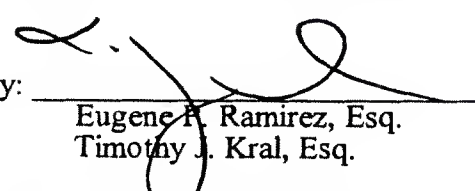
3 3. That defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA be
4 awarded such other relief as the court deems just.

5
6 **DEMAND FOR JURY TRIAL**

7 Defendants COUNTY OF LOS ANGELES and CITY OF PICO RIVERA hereby demand
8 trial of this matter by jury.

9
10 Dated: August 2, 2013

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

11
12 By: 
13 Eugene A. Ramirez, Esq.
14 Timothy J. Kral, Esq.

15 Attorneys for Defendants
16 COUNTY OF LOS ANGELES and CITY OF
17 PICO RIVERA
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

[Arturo Gonzalez v. County of Los Angeles, et al. - LASC (Norwalk) - Case No. VC063304]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 801 South Figueroa Street, 15th Floor, Los Angeles, California 90017.

On August 2, 2013, I served the document described as **ANSWER TO COMPLAINT; DEMAND FOR JURY TRIAL** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Jill L. Ryther, Esq.
Law Offices of Jill L. Ryther
6911 Topanga Canyon Blvd., Suite 300
Canoga Park, California 91303
(818) 347-4127
(818) 347-4128 fax

☒ **(BY MAIL)** I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I placed such envelope with postage thereon prepaid in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(BY PERSONAL SERVICE)**

☐ **(BY OVERNIGHT COURIER):** I placed the above-referenced document(s) in (an) envelope(s) designated by the express service carrier (UPS) for overnight delivery, addressed as indicated above. I delivered said UPS envelope to the personnel of our mail room. I am "readily familiar" with the firm's practice of collecting and processing documents intended for UPS overnight delivery. Under that practice, after the document is delivered to the firm's mail room, it is deposited that same day, with delivery fees provided for, in a box or other facility regularly maintained by the express service carrier or is delivered to an authorized courier or driver authorized by the express service carrier to receive documents, for overnight delivery.

☐ **(BY FACSIMILE)** I telecopied such document to the offices of the addressee at the following fax number:

☐ **(BY E-MAIL)** I e-mailed such document to the following e-mail addresses:

☒ **(STATE)** I declare under penalty of perjury under the laws of the United States of America, that the above is true and correct.

Executed on August 2, 2013 at Los Angeles, California.


Irma Castellanos

File No.: 380-43917

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 Arturo Gonzalez,) Case No. CV 13-05629-JFW (PJWx)
12 Plaintiff,) **STANDING ORDER**
13 v.)
14 City of Pico Rivera, et)
15 al.,)
16 Defendants.)

17 **READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE AND**
18 **DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

19 This action has been assigned to the calendar of Judge
20 John F. Walter. Both the Court and counsel bear
21 responsibility for the progress of litigation in Federal
22 Court. To secure the just, speedy, and inexpensive
23 determination of every action, all counsel are ordered to
24 familiarize themselves with the Federal Rules of Civil
25 Procedure, the Local Rules of the Central District of
26 California, the General Orders of the Central District and
27 the Judge's Procedures and Schedules found on the website
28 / / /

1 for the United States District Court for the Central District
2 of California (www.cacd.uscourts.gov).

3 **1. Service of the Complaint:**

4 The plaintiff shall promptly serve the Complaint in
5 accordance with Fed.R.Civ.P. 4 and shall file the proof(s) of
6 service pursuant to the Local Rules. **The plaintiff is hereby**
7 **notified that failure to serve the Complaint within 120 days**
8 **as required by Fed.R.Civ.P. 4(m) will result in the dismissal**
9 **of the Complaint against the unserved defendant(s).**

10 **2. Presence of Lead Counsel:**

11 Lead trial counsel shall attend all proceedings before
12 this Court, including all scheduling, status, and settlement
13 conferences. Only ONE attorney for a party may be designated
14 as lead trial counsel unless otherwise permitted by the
15 Court.

16 **3. Electronic Filing and Courtesy Copies:**

17 (a) Within ten days of a party's initial appearance, lead
18 trial counsel shall file a declaration entitled, "Declaration
19 of Lead Trial Counsel re: Compliance with General Order
20 Authorizing Electronic Filing" which shall notify the Court
21 that counsel has registered as an "ECF User." The
22 declaration shall include counsel's "E-Mail Address of
23 Record" and shall state whether counsel has consented or
24 elected not to consent to service and receipt of filed
25 documents by electronic means.

26 If counsel has not consented to the service and receipt
27 of filed documents by electronic means, counsel shall
28 immediately file and serve via U.S. Postal Service on all

1 parties who have appeared in the action a Notice advising all
2 parties that counsel has elected not to consent to electronic
3 service of documents in this action.

4 (b) All documents that are required to be filed in an
5 electronic format pursuant to the General Order Authorizing
6 Electronic Filing shall be filed electronically no later than
7 4:00 p.m. on the date due unless otherwise ordered by the
8 Court. Any documents filed electronically after 4:00 p.m. on
9 the date due will be considered late and may be stricken by
10 the Court. Any documents which counsel attempt to file
11 electronically which are improperly filed will not be
12 accepted by the Court.

13 (c) Counsel are ORDERED to deliver **2 copies** of all
14 documents filed electronically in this action to Chambers.
15 For each document filed electronically, one copy shall be
16 marked "CHAMBERS COPY" and the other copy shall be marked
17 "COURTESY COPY." The "CHAMBERS COPY" and "COURTESY COPY" are
18 collectively referred to herein as "Courtesy Copies." The
19 Courtesy Copies of each electronically filed document must
20 include on each page the running header created by the ECF
21 system. In addition, on the first page of each Courtesy
22 Copy, in the space between lines 1 - 7 to the right of the
23 center, counsel shall include the date the document was
24 e-filed and the document number. The Courtesy Copies shall
25 be delivered to Chambers no later than 10:00 a.m. on the next
26 business day after the document was electronically filed.
27 All documents must be stapled or bound by a two prong
28 fastener, the electronic proof of service must be attached as

1 the last page of each document, and the exhibits attached to
2 any document must be tabbed. Counsel shall not staple the
3 "COURTESY COPY" and "CHAMBERS COPY" together. The "COURTESY
4 COPY" of all documents must be three-hole punched at the left
5 margin with oversized 13/32" hole size, not the standard
6 9/32" hole size.

7 (d) For any document that is not required to be filed
8 electronically, counsel are ORDERED to deliver 1 conformed
9 copy of the document, which shall be marked "COURTESY COPY,"
10 to Chambers **at the time of filing**.

11 (e) If the Court has granted an application to file
12 documents under seal, the Court's Courtesy Copies shall
13 include a complete version of the documents including any
14 sealed documents with an appropriate notation identifying
15 that portion of the document that has been filed under seal.
16 For example, if the Court orders Ex. A to a Declaration filed
17 under seal, the Court's Courtesy Copies of the Declaration
18 should include Ex. A as an attachment with a notation that it
19 has been filed under seal pursuant to the Court's order.

20 (f) In the unlikely event counsel finds it necessary to
21 file a Notice of Errata: (1) the Notice of Errata shall
22 specifically identify each error by page and line number and
23 set forth the correction; and (2) a corrected version of the
24 document in its entirety shall be attached to the Notice of
25 Errata.

26 (g) When a proposed order accompanies an electronic
27 filing, a WordPerfect or Word copy of the proposed order,
28 along with a copy of the PDF electronically filed main

1 document shall be e-mailed to JFW_Chambers@cacd.uscourts.gov.
2 The subject line of the e-mail shall be in the following
3 format: court's divisional office, year, case type, case
4 number, document control number assigned to the main document
5 at the time of filing, judge's initials and filer (party)
6 name. Failure to comply with this requirement may result in
7 the denial or striking of the request or the Court may
8 withhold ruling on the request until the Court receives the
9 required documents.

10 **4. Discovery:**

11 (a) All discovery matters have been referred to a United
12 States Magistrate Judge. (The Magistrate Judge's initials
13 follow the Judge's initials next to the case number.) All
14 discovery documents must include the words "DISCOVERY MATTER"
15 in the caption to ensure proper routing. Counsel are
16 directed to contact the Magistrate Judge's Courtroom Deputy
17 to schedule matters for hearing.

18 All decisions of the Magistrate Judge shall be final,
19 subject to modification by the District Court only where it
20 is shown that the Magistrate Judge's Order is clearly
21 erroneous or contrary to law. Any party may file and serve a
22 motion for review and reconsideration before this Court. The
23 moving party must file and serve the motion within fourteen
24 calendar days of service of a written ruling or within
25 fourteen calendar days of an oral ruling that the Magistrate
26 Judge states will not be followed by a written ruling. The
27 motion must specify which portions of the ruling are clearly
28 erroneous or contrary to law and support the contention with

1 a memorandum of points and authorities. Counsel shall
2 deliver a courtesy copy of the moving papers and responses to
3 the Magistrate Judge.

4 (b) Counsel shall begin to actively conduct discovery
5 before the Fed.R.Civ.P. 26(f) conference because at the
6 Scheduling Conference the Court will impose tight deadlines
7 to complete discovery.

8 **5. Motions:**

9 **(a) Time for Filing and Hearing Motions:**

10 Motions shall be filed in accordance with the Local
11 Rules. This Court hears motions on **Mondays commencing at**
12 **1:30 p.m.** Once a party has noticed a motion for hearing on a
13 particular date, the hearing shall not be continued without
14 leave of Court. No supplemental briefs shall be filed
15 without leave of Court. Courtesy Copies shall be provided to
16 the Court in accordance with paragraph 3 of this Order. No
17 motion shall be noticed for hearing for more than 35 calendar
18 days after service of the motion unless otherwise ordered by
19 the Court. Documents not filed in compliance with the
20 Court's requirements will be stricken and will not be
21 considered by the Court.

22 **(b) Local Rule 7-3:**

23 Among other things, Local Rule 7-3 requires counsel to
24 engage in a pre-filing conference "to discuss thoroughly,
25 *preferably in person*, the substance of the contemplated
26 motion and any potential resolution." Counsel should discuss
27 the issues with sufficient detail so that if a motion is

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1 still necessary, the briefing may be directed to those
2 substantive issues requiring resolution by the Court.

3 Many motions to dismiss or to strike could be avoided if
4 the parties confer in good faith especially for perceived
5 defects in a Complaint, Answer, or Counterclaim which could
6 be corrected by amendment. See, e.g., *Eminence Capital, LLC*
7 *v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (where a
8 motion to dismiss is granted, a district court should provide
9 leave to amend unless it is clear that the Complaint could
10 not be saved by any amendment). The Ninth Circuit requires
11 that this policy favoring amendment be applied with "extreme
12 liberality." *Morongo Band of Mission Indians v. Rose*, 893
13 F.2d 1074, 1079 (9th Cir. 1990).

14 These principles require counsel for the plaintiff to
15 carefully evaluate the defendant's contentions as to the
16 deficiencies in the Complaint, and in most instances, the
17 moving party should agree to any amendment that would cure a
18 curable defect. Counsel should, at the very least, resolve
19 minor procedural or other nonsubstantive matters during the
20 conference.

21 All 7-3 conferences shall take place via a communication
22 method that, at a minimum, allows all parties to be in
23 realtime communication (letters and e-mail, for example, do
24 not constitute a proper 7-3 conference). Notwithstanding the
25 exception for preliminary injunction motions in Local Rule 7-
26 3, counsel contemplating filing a preliminary injunction
27 motion shall comply with Local Rule 7-3 and meet and confer
28 at least five days prior to the filing of such a motion.

1 **(c) Length and Format of Motion Papers:**

2 **Memoranda of Points and Authorities in support of or in**
3 **opposition to motions shall not exceed 25 pages. Replies**
4 **shall not exceed 12 pages.** Only in rare instances and for
5 good cause shown will the Court grant an application to
6 extend these page limitations. Courtesy Copies of all
7 evidence in support of or in opposition to a motion,
8 including declarations and exhibits to declarations, shall be
9 separated by a tab divider on the bottom of the page. If
10 evidence in support of or in opposition to a motion exceeds
11 twenty pages, the Courtesy Copies of the evidence shall be
12 placed in separately bound volumes and include a Table of
13 Contents. If such evidence exceeds fifty pages, the Court's
14 Courtesy Copies of such evidence shall be placed in a slant
15 D-ring binder with each item of evidence separated by a tab
16 divider on the right side. All documents contained in the
17 binder must be three hole punched with the oversized 13/32"
18 hole size, not the standard 9/32" hole size. The binder
19 shall include a Table of Contents and the spine of the binder
20 shall be labeled with its contents.

21 **Typeface shall comply with the Local Rules. NOTE: If**
22 **Times Roman is used, the font size must be no less than 14;**
23 **if Courier is used, the font size must be no less than 12.**
24 Footnotes shall be in the same typeface and font size as the
25 text and shall be used sparingly.

26 Documents which do not conform to the Local Rules and
27 this Order will not be considered.

28 / / /

1 **(d) Citations to Case Law:**

2 Citations to case law **must** identify not only the case
3 being cited, but the specific page referenced. In the event
4 it is necessary to cite to Westlaw or Lexis, the Court
5 prefers that counsel cite to Westlaw.

6 **(e) Citations to Other Sources:**

7 Statutory references should identify, with specificity,
8 which sections and subsections are being referenced (e.g.,
9 Jurisdiction over this claim for relief may appropriately be
10 found in 47 U.S.C. § 33, which grants the district courts
11 jurisdiction over all offenses of the Submarine Cable Act,
12 whether the infraction occurred within the territorial waters
13 of the United States or on board a vessel of the United
14 States outside said waters). Statutory references which do
15 not specifically indicate the appropriate section and
16 subsection (e.g., Plaintiffs allege conduct in violation of
17 the Federal Electronic Communication Privacy Act, 18 U.S.C. §
18 2511, *et seq.*) are to be **avoided**. Citations to treatises,
19 manuals, and other materials should similarly include the
20 volume and the section referenced.

21 **(f) Proposed Orders:**

22 Each party filing or opposing a motion or seeking the
23 determination of any matter shall prepare and submit to the
24 Court a separate Proposed Order in accordance with the
25 General Order Authorizing Electronic Filing. The Proposed
26 Order shall set forth the relief or action sought and a brief
27 statement of the rationale for the decision with appropriate
28 citations.

1 **(g) Opposing Papers**

2 Within the deadline prescribed by the Local Rules, a
3 party opposing a motion shall file: (1) an Opposition; or (2)
4 a Notice of Non-Opposition. If a party files a Notice of
5 Non-Opposition to a motion under Federal Rule of Civil
6 Procedure 12(b), (e), or (f), that party shall state whether
7 it intends to file an amended complaint in accordance with
8 Federal Rule of Civil Procedure 15(a)(1).

9 **Failure to timely respond to any motion shall be deemed**
10 **by the Court as consent to the granting of the motion. See**
11 **Local Rules.**

12 **(h) Amended Pleadings**

13 In the event the Court grants a motion to dismiss without
14 prejudice to filing an amended complaint, the plaintiff shall
15 file an amended complaint within the time period specified by
16 the Court. If no time period is specified by the Court, the
17 plaintiff shall file an amended complaint within fourteen
18 calendar days of the date of the order granting the plaintiff
19 leave to file an amended complaint. Failure to file an
20 amended complaint within the time allotted will result in the
21 dismissal of the action with prejudice.

22 Whenever a plaintiff files an amended pleading, a
23 redlined version of the amended pleading shall be delivered
24 to Chambers indicating all additions and deletions to the
25 prior version of that pleading.

26 In addition to the requirements of the Local Rules, all
27 motions to amend the pleadings shall: (1) state the effect of
28 the amendment; (2) be serially numbered to differentiate the

1 amendment from previous amendments; and (3) state the page,
2 line number(s), and wording of any proposed change or
3 addition of material. The parties shall deliver to Chambers
4 a redlined version of the proposed amended pleading
5 indicating all additions and/or deletions of material.

6 **6. Ex Parte Applications:**

7 Ex parte applications are solely for extraordinary
8 relief. See *Mission Power Eng'g Co. v. Continental Cas. Co.*,
9 883 F. Supp. 488 (C.D. Cal. 1995). Applications that fail to
10 conform with the Local Rules, including a statement of
11 opposing counsel's position, will not be considered. In
12 addition to electronic service, the moving party shall
13 immediately serve the opposing party by fax or hand service
14 and shall notify the opposing party that any opposition must
15 be filed not later than twenty-four hours after the filing of
16 the ex parte application. If counsel does not intend to
17 oppose the ex parte application, counsel shall immediately
18 inform the Courtroom Deputy by e-mail and immediately file a
19 Notice of Non-Opposition. The Court considers ex parte
20 applications on the papers and usually does not set the
21 matters for hearing. Courtesy Copies of all moving,
22 opposition, or non-opposition papers shall be provided to the
23 Court in accordance with paragraph 3 of this Order. The
24 Courtroom Deputy will notify counsel of the Court's ruling or
25 a hearing date and time, if the Court determines a hearing is
26 necessary.

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1 **7. Applications or Stipulations to Extend the Time to File**
2 **any Required Document or to Continue Any Date:**

3 No applications or stipulations extending the time to
4 file any required document or to continue any date are
5 effective until and unless the Court approves them.

6 Applications and/or stipulations to extend the time to file
7 any required document or to continue any hearing, Pre-Trial
8 date, or the Trial date, must set forth the following:

9 (a) the existing due date or hearing date, as well as
10 all dates set by the Court, including the discovery cut-off
11 date, the Pre-Trial Conference date, and the Trial date;

12 (b) the new dates proposed by the parties;

13 (c) specific, concrete reasons supporting good cause for
14 granting the extension; and

15 (d) whether there have been prior requests for extensions
16 by any party, and whether those requests were granted or
17 denied by the Court.

18 All applications and stipulations must be accompanied by
19 a separate and independent proposed order which must be
20 submitted to the Court in accordance with the General Order
21 Authorizing Electronic Filing. Failure to submit a separate
22 proposed order may result in the denial of the application or
23 stipulation or the Court may withhold ruling on the
24 application or stipulation until the Court receives a
25 separate proposed order.

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1 **8. Temporary Restraining Orders and Injunctions:**

2 **(a) Documentation Required:**

3 Parties seeking emergency or provisional relief shall
4 comply with Fed.R.Civ.P.65 and the Local Rules. An ex parte
5 application for a temporary restraining order must be
6 accompanied by: (1) a copy of the complaint; (2) a separate
7 memorandum of points and authorities in support of the
8 application; (3) the proposed temporary restraining order and
9 a proposed order to show cause why a preliminary injunction
10 should not issue; and (4) such other documents in support of
11 the application which the party wishes the Court to consider.

12 **(b) Notice of Ex Parte Applications:**

13 Unless relieved by order of the Court for good cause
14 shown, on or before the day counsel files an ex parte
15 application for a temporary restraining order, counsel must
16 personally serve notice and all documents in support of the
17 ex parte application and a copy of the Court's Standing Order
18 on opposing counsel or party. Counsel shall also notify the
19 opposing party that any opposition must be filed no later
20 than twenty-four hours after the service of the ex parte
21 application. Counsel shall immediately file a Proof of
22 Service.

23 If counsel does not intend to oppose the ex parte
24 application, counsel shall immediately inform the Courtroom
25 Deputy by e-mail and immediately file a Notice of Non-
26 Opposition. The Court considers ex parte applications on the
27 papers and usually does not set the matter for hearing.
28 Courtesy Copies of all moving, opposition, or non-opposition

1 papers shall be provided to the Court in accordance with
2 paragraph 3 of this Order. The Courtroom Deputy will notify
3 counsel of the Court's ruling or a hearing date and time, if
4 the Court determines a hearing is necessary.

5 **9. Proposed Protective Orders and Filings Under Seal:**

6 Protective orders pertaining to discovery must be
7 submitted to the assigned Magistrate Judge. Proposed
8 protective orders should not purport to allow, without
9 further order of Court, the filing under seal of pleadings or
10 documents filed in connection with a hearing or trial before
11 the Court. The existence of a protective order does not
12 alone justify the filing of pleadings or other documents
13 under seal, in whole or in part.

14 An application to file documents under seal must meet the
15 requirements of the Local Rules and shall be limited to three
16 documents by a party, unless otherwise ordered by the Court.
17 The application to file documents under seal should not be
18 filed under seal. There is a strong presumption of the
19 public's right of access to judicial proceedings and records
20 in civil cases. In order to overcome the presumption in
21 favor of access, the movant must demonstrate compelling
22 reasons (as opposed to good cause) for the sealing if the
23 sealing is requested in connection with a dispositive motion
24 or trial, and the relief sought shall be narrowly tailored to
25 serve the specific interest sought to be protected. *Pintos*
26 *v. Pacific Creditors Ass'n*, 605 F.3d 665 (9th Cir. 2010),
27 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th
28

1 Cir. 2006), *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d
2 1122, 1135 (9th Cir. 2003).

3 For each document or other type of information sought to
4 be filed under seal, the party seeking protection must
5 articulate compelling reasons supported by specific facts or
6 legal justification that the document or type of information
7 should be protected. The facts supporting the application to
8 file documents under seal must be provided by a declaration.
9 Documents that are not confidential or privileged in their
10 entirety will not be filed under seal if the confidential
11 portions can be redacted and filed separately. The
12 application to file documents under seal should include an
13 explanation of why redaction is not feasible.

14 If a party wishes to file a document that has been
15 designated confidential by another party, the submitting
16 party must give any designating party five calendar days
17 notice of intent to file. If the designating party objects,
18 it should notify the submitting party and file an application
19 to file documents under seal within two court days.

20 If the parties anticipate requesting the Court to file
21 more than three documents under seal in connection with any
22 motion, they shall identify all such documents that will be
23 required to support and oppose the motion during the Local
24 Rule 7-3 conference. The parties shall then meet and confer
25 in order to determine if the documents satisfy the
26 "compelling need" standard for "sealing" each document.
27 Thereafter, the parties shall file a joint application and
28 lodge a proposed order to file under seal all such documents

1 with the required showing as to each document. The joint
2 application shall be filed promptly so that the Court may
3 rule on the application before the filing date for the
4 motion. The parties shall not file any pleadings containing
5 documents they have requested the Court to file under seal
6 until the Court acts on the application to file under seal.

7 If an application to file documents under seal is denied
8 in part or in full, the lodged documents will not be filed.
9 The Courtroom Deputy will notify the submitting party, and
10 hold the lodged documents for three court days to allow the
11 submitting party to retrieve the documents. If the documents
12 are not retrieved, the Courtroom Deputy will dispose of the
13 documents.

14 A redacted version for public viewing, omitting only such
15 portions as the Court has ordered filed under seal shall be
16 promptly filed by the parties after the Court's Order sealing
17 the documents. Should counsel fail to file a redacted
18 version of the documents, the Court will strike any motion
19 that relies on or relates to the document and/or file the
20 document in the public record.

21 If the Court grants an application to file documents
22 under seal, the Court's Courtesy Copies shall include a
23 complete version of the documents with an appropriate
24 notation identifying the document or the portion of the
25 document that has been filed under seal.

26 **10. Cases Removed From State Court:**

27 All documents filed in state court, including documents
28 attached to the Complaint, Answer(s), and Motion(s), must be

1 re-filed in this Court as a separate supplement to the Notice
2 of Removal. The supplement must be in a separately bound
3 volume and shall include a Table of Contents. If the
4 defendant has not yet answered or moved, the Answer or
5 responsive pleading filed in this Court must comply with the
6 Federal Rules of Civil Procedure and the Local Rules of the
7 Central District. If before the case was removed a motion
8 was pending in state court, it must be re-noticed in
9 accordance with the Local Rules.

10 **11. Actions Transferred From Another District**

11 Counsel shall file, within ten days of transfer, a Joint
12 Report summarizing the status of the action which shall
13 include a description of all motions filed in the action and
14 the transferor court's ruling on the motions. In addition,
15 counsel shall deliver (but not file) one courtesy copy to
16 Chambers of each document on the docket of the transferor
17 court. On the first page of each courtesy copy, in the space
18 between lines 1 - 7, to the right of the center, counsel
19 shall include the date the document was filed and the
20 document number. The courtesy copies shall be placed in a
21 slant D-ring binder in chronological order with each document
22 separated by a tab divider on the right side. All documents
23 contained in the binder must be three hole punched with the
24 oversized 13/32" hole size, not the standard 9/32" hole size.
25 The binder shall include a Table of Contents and the spine of
26 each binder shall be labeled with its contents. The courtesy
27 copies shall be delivered to Chambers within ten days of the
28 transfer.

1 **12. Status of Fictitiously Named Defendants:**

2 This Court adheres to the following procedures when a
3 matter is removed to this Court on diversity grounds with
4 fictitiously named defendants referred to in the Complaint:

5 (a) Plaintiff shall ascertain the identity of and serve
6 any fictitiously named defendants within 120 days of the date
7 that the Complaint was filed in State Court.

8 (b) If plaintiff believes (by reason of the necessity for
9 discovery or otherwise) that fictitiously named defendants
10 cannot be fully identified within the 120-day period, an ex
11 parte application requesting permission to extend the period
12 to effectuate service may be filed with the Court. Such
13 application shall state the reasons therefore, and will be
14 granted only upon a showing of good cause. The ex parte
15 application shall be served upon all appearing parties, and
16 shall state that appearing parties may respond within seven
17 calendar days of the filing of the ex parte application.

18 (c) If plaintiff desires to substitute a named defendant
19 for one of the fictitiously named defendants, plaintiff shall
20 first seek the consent of counsel for all defendants (and
21 counsel for the fictitiously named party, if that party has
22 separate counsel). If consent is withheld or denied,
23 plaintiff shall file an ex parte application requesting such
24 amendment, with notice to all appearing parties. Each party
25 shall have seven calendar days to respond. The ex parte
26 application and any response should comment not only on the
27 substitution of the named party for a fictitiously named
28 defendant, but on the question of whether the matter should

1 thereafter be remanded to the Superior Court if diversity of
2 citizenship is destroyed by the addition of the new
3 substituted party.

4 **13. Bankruptcy Appeals:**

5 Counsel shall comply with the Notice Regarding Appeal
6 From Bankruptcy Court issued at the time the appeal is filed
7 in the District Court. Counsel are ordered to notify the
8 Court in a joint report if the Certificate of Readiness has
9 not been prepared by the Clerk of the Bankruptcy Court and
10 submitted to the Clerk of the District Court within 90 days
11 of the date of this Order.

12 The matter is considered submitted upon the filing of the
13 final brief. No oral argument is held unless ordered by the
14 Court.

15 **14. Communications with Chambers:**

16 Counsel shall not attempt to contact the Court or its
17 Chambers staff by telephone or by any other ex parte means,
18 although counsel may contact the Courtroom Deputy at
19 shannon_reilly@cacd.uscourts.gov with appropriate inquiries.
20 To facilitate communication with the Courtroom Deputy,
21 counsel should list their facsimile transmission numbers and
22 e-mail address along with their telephone numbers on all
23 papers.

24 **15. Notice of This Order:**

25 Counsel for plaintiff shall immediately serve this Order
26 on all parties, including any new parties to the action. If


27 / / /

1 this case came to the Court by noticed removal, defendant
2 shall serve this Order on all other parties.

3 **Caveat:** If counsel fail to cooperate in the preparation of
4 the required Joint Rule 26 Report or fail to file the
5 required Joint Rule 26 Report, or if counsel fail to appear
6 at the Scheduling Conference, the Pre-Trial Conference and/or
7 any other proceeding scheduled by the Court, and such failure
8 is not otherwise satisfactorily explained to the Court: (a)
9 the cause shall stand dismissed for failure to prosecute, if
10 such failure occurs on the part of the plaintiff; (b) default
11 judgment shall be entered if such failure occurs on the part
12 of the defendant; or (c) the Court may take such action as it
13 deems appropriate.

14
15 IT IS SO ORDERED.

16
17 DATED: August 6, 2013

18 
19 _____
20 JOHN F. WALTER
21 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 13-05629-JFW (PJWx)**

Date: August 6, 2013

Title: Arturo Gonzalez -v- City of Pico Rivera, et al.

PRESENT: HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS): COURT ORDER

Counsel are hereby notified that a Scheduling Conference has been set for **September 30, 2013, at 8:30 a.m.** before Judge John F. Walter in Courtroom 16, U.S. Courthouse, 312 N. Spring Street, Los Angeles. Lead Trial Counsel shall attend all proceedings before this Court, including the Scheduling Conference.

Counsel are directed to comply with Rule 26 of the Federal Rules of Civil Procedure and Local Rule 26-1 in a timely fashion and to file a Joint Report, on or before **September 16, 2013**. The title page of the Joint Report must state the date and time of the Scheduling Conference.

The parties must include the following information in their Joint Report which, except in unusually complex cases, should not exceed ten pages: (1) the basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, the date by which service will be completed and an explanation as to why service has not been completed; (2) a brief chronology of the facts and a statement of the principal factual issues in dispute; (3) a brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions; (4) all prior and pending motions, their current status, and any anticipated motions; (5) the extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings; (6) whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made; (7) discovery taken to date, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f); (8) any related cases or proceedings pending before another judge of this court, or before another court or administrative body; (9) all relief sought by the complaint or counterclaim, including the amount of any damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established; (10) whether each party has filed the "Certification as to Interested Parties or Persons" required by the Local Rules. In addition, each party must restate in the joint report the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the

Initials of Deputy Clerk sr

subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding; (11) an appropriate last date for the completion of discovery and the hearing of motions, a date for a final pretrial conference and a trial date; (12) whether the case will be tried to a jury or to the Court and a preliminary estimate of the time required for trial; (13) efforts made to settle or resolve the case to date, and the parties' views as to an appropriate plan for maximizing settlement prospects; (14) whether the case is complex or requires reference to the procedures set forth in the Manual on Complex Litigation; (15) what motions the parties are likely to make that may be dispositive or partially dispositive; (16) any unusual legal issues presented by the case; and (17) proposals regarding severance, bifurcation, or other ordering of proof.

Lead Trial Counsel for each party shall also confirm that they are registered as "ECF Users" and shall provide their "E-Mail Address of Record." Courtesy copies shall be provided to the Court in accordance with the Court's Standing Order.

If counsel fail to file the required Joint Report or fail to appear at the Scheduling Conference and such failure is not otherwise satisfactorily explained to the Court: (a) the cause shall stand dismissed for failure to prosecute, if such failure occurs on the part of the plaintiff; (b) default judgment shall be entered if such failure occurs on the part of the defendant; or (c) the Court may take such action as it deems appropriate.

Plaintiff's counsel is directed to give notice of the Scheduling Conference to all parties that have appeared in this action, and is directed to give notice of the Scheduling Conference immediately to each party that makes an initial appearance in the action after this date.

1 federal question claims. The issues of federal jurisdiction and venue are not contested.
2 All parties have been served with the Complaint.

3 2. FACTUAL/LEGAL ISSUES IN DISPUTE

4 Plaintiff's Claims:

5 This is a case in which Defendants wrongfully entered Plaintiff's property,
6 violated his constitutional rights, and viciously and wrongfully killed Plaintiff's dog
7 Chico Blue. It is alleged that later Defendants attempted to cover up their mistake by
8 destroying evidence.

9 Defendants' Claims:

10 Deputies responded to an assault with a deadly weapon call where a victim had
11 been shot and left blood on the plaintiff's driveway. Deputies did a protective sweep
12 of this known gang house and yard to verify no victims or suspects were present. The
13 two residents (including plaintiff) were briefly detained in separate patrol cars during
14 this protective sweep. Deputies used a Taser on an aggressive pit bull while searching
15 a portion of the backyard and then left the pit bull contained within a fenced-in area.
16 Once let out of the patrol car, the female resident became uncooperative and walked
17 away from the deputies to the backyard and then out of sight. Moments later the pit
18 bull came charging down the driveway towards the deputies. One deputy fired two
19 rounds as he was afraid he would be bitten by the pit bull. One of his rounds struck
20 the pit bull.

21 The key legal issues from the defendants' perspective is whether the deputies
22 acted appropriately when conducting a protective sweep of the property (looking for
23 victims and/or suspects of a shooting that had just occurred), whether the deputy who
24 fired his weapon did so in a reasonable manner, and whether the deputies are entitled
25 to qualified immunity. Defendants have no knowledge of an alleged "cover up"
26 regarding evidence.

27 ///

28 ///

1 3. MOTIONS

2 Plaintiff

3 Plaintiff does not anticipate filing any dispositive motions.

4 Defendants

5 Defendants intend to file a motion for summary judgment.

6 4. ADDITION OR DISMISSAL OF PARTIES, CLAIMS OR DEFENSES AND
7 PROPOSED DEADLINE FOR AMENDING THE PLEADINGS

8 Plaintiffs:

9 Plaintiffs intend to name additional defendant deputies once their names are
10 ascertained.

11 Defendants:

12 Defendants do not anticipate a cross-complaint or naming any parties to this
13 lawsuit. Defendants filed an answer in state court before the case was removed to
14 federal court.

15 Proposed Deadline to Amend the Pleadings: All motions to join other parties or
16 to amend the pleadings shall be filed and served within sixty (60) days of the date of
17 the Scheduling Conference.

18 5. INITIAL DISCLOSURE REQUIREMENTS

19 The Parties agree that no changes shall be made to the rules governing initial
20 disclosures pursuant to FRCP 26(a)(1). The Parties shall make their initial disclosures
21 by October 7, 2013.

22 6. DISCOVERY ISSUES AND DATES

23 The parties have not conducted discovery thus far and do not believe discovery
24 should be conducted in phases. Counsel has advised their respective clients to
25 preserve all discoverable information related to this action. The Parties do not foresee
26 any problems relating to electronically stored information and agree that such
27 information may be produced in hard copy form or on computer disc. The parties do
28 not believe that any changes should be made with the limitations on discovery imposed

1 under the FRCP or Local Rules and do not believe that any other discovery limitations
2 should be imposed.

3 Plaintiff will need to conduct discovery to find out the names of the officers
4 involved in the shooting as well as discovery to obtain any phone calls and/or reports
5 surrounding the incident. Additionally Plaintiff will conduct discovery to obtain
6 background information of the officers involved. Finally, Plaintiff will need to conduct
7 discovery to obtain information regarding the policies and procedures of Defendants
8 involving encountering animals. Several of the defendant's depositions will be
9 necessary.

10 Defendants intend to conduct discovery on liability and damages, including the
11 depositions of both residents who were briefly detained by deputies. Defendants
12 anticipate objecting to the production of personnel records for the "background
13 information" plaintiff seeks and will request an in camera review and protective order.

14 Proposed Discovery Plan:

15 Initial Disclosures Under Rule 26(a)(1): The parties have agreed to make their
16 initial disclosures required under Rule 26(a)(1) due on or before October 7, 2013.

17 Initial Expert Witness Disclosures: The parties agree to make their initial expert
18 witness disclosures due on or before ninety (90) days before trial: May 13, 2014.

19 Rebuttal Expert Witness Disclosures: The parties agree to make their rebuttal
20 expert witness disclosures due within thirty (30) days after the other party's
21 disclosures: June 12, 2014.

22 Fact Discovery Cut-Off Date (90 days prior to trial date): May 13, 2014.

23 7. RELATED CASES

24 There are no related cases or proceedings pending before another judge or this
25 court or before another court or administrative body.

26 ///

27 ///

28 ///

1 8. RELIEF SOUGHT BY THE PARTIES

2 Plaintiff:

3 Plaintiff seeks special and general damages (emotional distress) as well as
4 punitive damages against the individual deputies involved in this incident.

5 Defendants:

6 The defendants seek dismissal of this action with prejudice.

7 10. MOTION CUT-OFF, FINAL PRETRIAL CONFERENCE, AND TRIAL
8 DATES

9 The parties agree to following dates:

10 Final Motion Cut-Off Date, including dispositive motions: June 30, 2014.

11 Final Pretrial Conference Date (14 days prior to trial date): July 28, 2014.

12 Trial Date: August 11, 2014.

13 11. TRIAL BY JURY AND ESTIMATE

14 Trial in this matter will require testimony from percipient and expert witnesses.

15 The parties estimate 6 days will be required for trial. As discovery proceeds and
16 specific witness testimony is obtained, the parties may need to revise the estimate of
17 days for trial. Defendants have requested trial by jury.

18 12. SETTLEMENT AND SETTLEMENT MECHANISM (ADR)

19 To date there have been no settlement discussions between any of the parties.

20 The parties believe that settlement is possible.

21 All parties have agreed to SETTLEMENT PROCEDURE NO. 2 and request
22 that the Court appoint the Hon. John Leo Wagner to serve as a panel mediator for this
23 case.

24 The parties agree that the ADR session should occur in April 2014.

25 13. COMPLEX LITIGATION

26 The parties agree that this is not a complex case which requires all or any part of
27 the manual for complex litigation to be utilized.

28 ///

14. UNUSUAL LEGAL ISSUES

There are no unusual legal issues presented by this case.

15. SEVERANCE, BIFURCATION OR OTHER ORDERING OF PROOF

The defendants request that the trial be conducted in three phases: 1) Liability and general/special damages; 2) Monell Liability; and, if necessary; 3) Punitive damages. Plaintiff is not seeking bifurcation.

16. LEAD TRIAL COUNSEL

Plaintiffs: Lead trial counsel for the Plaintiffs is Jill L. Ryther, Esq. Ms. Ryther is registered as an ECF User and her email address of record is jill@jillrytherlaw.com.

Defendants: Lead trial counsel for the Defendants are Eugene Ramirez, Esq. and Timothy Kral, Esq. Both are registered as ECF Users and their email addresses of record are epr@manningllp.com and tjk@manningllp.com, respectively.

Dated: September 16, 2013

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

By: /s/ Eugene P. Ramirez
Eugene P. Ramirez, Esq.
Timothy J. Kral, Esq.

Attorneys for Defendants
COUNTY OF LOS ANGELES and
CITY OF PICO RIVERA

Eugene P. Ramirez, Esq. (SBN 134865)
Timothy J. Kral, Esq. (SBN 200919)
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Attorneys for Defendants COUNTY OF LOS ANGELES
and CITY OF PICO RIVERA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARTURO GONZALEZ, an individual,
Plaintiff,

vs.

CITY OF PICO RIVERA, a public entity;
COUNTY OF LOS ANGELES, a public
entity; and DOES 1-50, inclusive,
Defendants.

Case No.: CV13-05629-JFW-PJWx
[Assigned to District Judge John F.
Walter, Magistrate Judge Patrick J.
Walsh]

**JOINT STIPULATION TO
EXTEND SETTLEMENT
CONFERENCE DATE TO
FEBRUARY 3, 2014**

[Declaration of Timothy J. Kral, and
Proposed Order filed concurrently]

Current Dates:

**Settlement Conference Date:
January 10, 2014**

**Last Day to File Joint Report re
Settlement Conference:
January 17, 2014**

Proposed New Dates:

**Settlement Conference Date:
February 3, 2014**

**Last Day to File Joint Report re
Settlement Conference:
February 10, 2014**

Complaint filed: July 10, 2013

1 TO THE HONORABLE COURT:

2 IT IS HEREBY STIPULATED by and between the parties to this action, plaintiff,
3 Arturo Gonzalez, and Defendants, County of Los Angeles and City of Pico Rivera,
4 through their respective counsel of record, that:

5 1. In its September 17, 2013 Order, the Court set a cut-off date of January 10,
6 2014, for the Settlement Conference and a cut-off date of January 17, 2014 to file a joint
7 report re the results of the Settlement Conference.

8 2. Due to the congested schedules of counsel, they were unable to arrive at a
9 mutually agreeable date for the Settlement Conference by the January 10, 2014 deadline.
10 After several attempts to find a date suitable to the calendars of the mediator, and
11 counsel for plaintiff and defendants, the parties were able to find a mutually convenient
12 date and have now agreed upon a confirmed Settlement Conference date of February 3,
13 2014, with mediator John Leo Wagner from Judicate West. This was the first available
14 date that all parties were available. Because this date is past the cut-off date, the parties
15 are submitting this Joint Stipulation and Proposed Order to extend the Settlement
16 Conference cut-off date to February 3, 2014.

17 3. The parties thereby respectfully request that the Court issue an Order
18 approving the extension of the settlement deadlines as follows:

19 Current Dates

Proposed New Dates

20
21 1/10/14: Last day to conduct Settlement
22 Conference

2/3/14: Last day to conduct Settlement
Conference

23
24 1/17/14: Last day to file Joint Report re:
25 results of Settlement Conference

2/10/14: Last day to file Joint Report re:
results of Settlement Conference

26
27 4. Good cause exists for issuance of this Order because the parties have
28 attempted in good faith to complete the settlement by the current cut-off date of

1 January 10, 2014, but have been unable to do so because of calendaring conflicts. A new
2 settlement conference date of February 3, 2014, has been agreed to by the parties. No
3 prior requests for extension of the Settlement Conference due date have been filed.
4 Other than continuing the dates that are subject to the stipulation, the requested
5 continuance will have no impact on the schedule for the case.

6 IT IS SO STIPULATED.

7
8 Dated: January 10, 2014

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

9
10 By: /s/ Timothy J. Kral
11 Eugene P. Ramirez, Esq.
Timothy J. Kral, Esq.

12 Attorneys for Defendants
13 COUNTY OF LOS ANGELES and CITY
OF PICO RIVERA

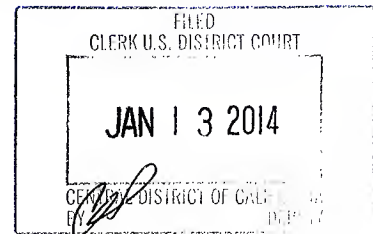
14 Dated: January 10, 2014

LAW OFFICES OF JILL L. RYTHER

15
16 By: /s/ Jill L. Ryther
Jill L. Ryther, Esq.

17 Attorneys for Plaintiff
18 ARTURO GONZALEZ
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Eugene P. Ramirez, Esq. (SBN 134865)
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Attorneys for Defendants COUNTY OF LOS ANGELES
and CITY OF PICO RIVERA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARTURO GONZALEZ, an individual,

Plaintiff,

vs.

CITY OF PICO RIVERA, a public entity;
COUNTY OF LOS ANGELES, a public
entity; and DOES 1-50, inclusive,

Defendants.

Case No.: CV13-05629-JFW-PJWx
*[Assigned to District Judge John F.
Walter, Magistrate Judge Patrick J.
Walsh]*

**[PROPOSED] ORDER
GRANTING JOINT
STIPULATION TO EXTEND
SETTLEMENT CONFERENCE
DATE TO FEBRUARY 3, 2014**

Current Dates:

**Settlement Conference Date:
January 10, 2014**

**Last Day to File Joint Report re
Settlement Conference:
January 17, 2014**

Proposed New Dates:

**Settlement Conference Date:
February 3, 2014**

**Last Day to File Joint Report re
Settlement Conference:
February 10, 2014**

Complaint filed: July 10, 2013

Pursuant to the Joint Stipulation of the parties, and good cause having been shown, the Court orders the following dates to be continued:

Current Dates

Proposed New Dates

1/10/14: Last day to conduct Settlement
Conference

2/3/14: Last day to conduct Settlement
Conference

1/17/14: Last day to file Joint Report re:
results of Settlement Conference

2/10/14: Last day to file Joint Report re:
results of Settlement Conference

IT IS SO ORDERED.

Dated: 1/13/14


UNITED STATES DISTRICT JUDGE

Eugene P. Ramirez, Esq. (SBN 134865)
Timothy J. Kral, Esq. (SBN 200919)
MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
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Attorneys for Defendants COUNTY OF LOS ANGELES
and CITY OF PICO RIVERA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARTURO GONZALEZ, an individual,
Plaintiff,

vs.

CITY OF PICO RIVERA, a public entity;
COUNTY OF LOS ANGELES, a public
entity; and DOES 1-50, inclusive,
Defendants.

Case No.: CV13-05629-JFW-PJWx
[Assigned to District Judge John F.
Walter, Magistrate Judge Patrick J.
Walsh]

AMENDED
STIPULATION RE: DISMISSAL
WITH PREJUDICE AS TO
ENTIRE CASE AND AS TO ALL
DEFENDANTS [FRCP
41(a)(1)(A)(ii)]

[Proposed Order filed concurrently]

TO THE COURT, AND TO ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:

IT IS HEREBY STIPULATED, by and between Plaintiff, ARTURO
GONZALEZ, and Defendants, COUNTY OF LOS ANGELES and CITY OF PICO
RIVERA, by and through their attorneys of record, as follows: that defendants and
each of them be dismissed, with prejudice, from this action as this matter has been
settled with all payment to be made by the COUNTY OF LOS ANGELES.

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1 IT IS FURTHER STIPULATED, by and between plaintiff and defendants, that
2 this dismissal shall constitute a general release by plaintiff and all defendants of all
3 claims and a waiver by plaintiff and all defendants of all costs, court fees, and
4 attorneys' fees arising out of this litigation between these parties herein.

5 IT IS SO STIPULATED.

6
7 Dated: February 26, 2014

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

8
9
10 By: /s/ Timothy J. Kral
Eugene P. Ramirez, Esq.
Timothy J. Kral, Esq.

11 Attorneys for Defendants
12 COUNTY OF LOS ANGELES and CITY OF
13 PICO RIVERA

14
15 Dated: February 26, 2014

LAW OFFICES OF JILL L. RYTHER

16
17 By: /s/ Jill L. Ryther
Jill L. Ryther, Esq.

18 Attorneys for Plaintiff
19 ARTURO GONZALEZ
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